

IN THE SENATE

SENATE BILL NO. 1051, As Amended

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO TELEPHONE COMMUNICATIONS; PROVIDING A SHORT TITLE AND LEGISLATIVE INTENT; AMENDING CHAPTER 6, TITLE 48, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 48-603F, IDAHO CODE, TO DEFINE TERMS AND TO PROHIBIT INSERTION OF FALSE INFORMATION INTO A CALLER IDENTIFICATION SYSTEM CALL AND TO PROVIDE EXCEPTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. SHORT TITLE – LEGISLATIVE INTENT. It is the intent of the Legislature to enact the "Truth in Caller Identification Act." The Legislature finds that the citizens of this state are potential targets of a telephone scam known as caller identification spoofing or caller identification fraud that allows a caller to hide his or her true identity by modifying caller identification information. It is therefor the intent of the "Truth in Caller Identification Act" to protect people from such scams that have led to harassment, the loss of personal information and potentially threatening telephone calls.

SECTION 2. That Chapter 6, Title 48, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 48-603F, Idaho Code, and to read as follows:

48-603F. TRUTH IN CALLER IDENTIFICATION ACT. (1) For purposes of this section:

(a) "Caller" means a person who places a call by a telephone or over a telephone line, even if the person begins the call on a computer;

(b) "Caller identification system" means a listing of a caller's name, telephone number or name and telephone number that is shown to a recipient of a call when the recipient answers;

(c) "Established business relationship" means a relationship between the caller and the consumer that was formed prior to the telephone call at issue on the basis of an application, purchase, ongoing contractual agreement or commercial transaction between the parties regarding goods or services offered by the caller;

(d) "False information" means data that misrepresents the identity of the caller to the recipient of a call; except that when a person making an authorized call on behalf of another person inserts the name, telephone number or name and telephone number of the person on whose behalf the call is being made, such information shall not be deemed false information; and

(e) "Insert" means insert by voice communication, by written communication or by otherwise entering into a computer.

(2) A caller may not insert false information into a caller identification system call.

(3) The provisions of this section shall not apply to:

(a) Any blocking of caller identification information;

- 1 (b) Any law enforcement agencies of the federal government, the state government, a
- 2 county or a municipality;
- 3 (c) Any intelligence or security agencies of the federal government; or
- 4 (d) Telephone calls where there is already an established business relationship between
- 5 the caller and the person receiving the call.